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12-11-01

CPA /2153

PTO/SB/29 (12/97)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

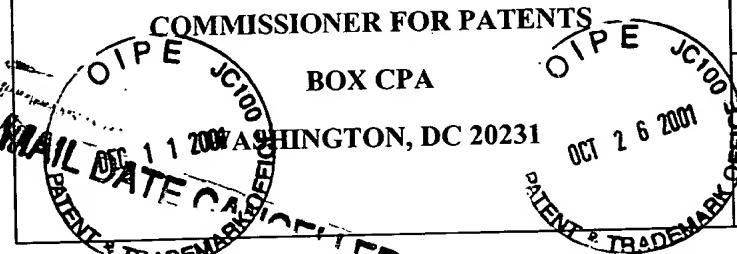
Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional Applications under 37 CFR 1.53(d))

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Address to:

COMMISSIONER FOR PATENTS  
BOX CPA

WASHINGTON, DC 20231



Attorney Docket No.	M-3206-1C US
First Named Inventor	Peter C. Chen
Examiner Name	Dinh, D.
Group/Art Unit	2153
Express Mail Label No.	EL 710 214 146 US

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DEC 14 2001

Technology Center 2100

This is a request for a  continuation or  divisional application under 37 CFR §1.53(d), (continued prosecution application (CPA)) of prior application number 09/030,710 filed on, February 25, 1998 entitled Communications Interface And Conflict Avoidance Using A Software Simulation Of A UART.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR §1.51(b), OR (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application, or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR §1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR §1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
    - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/8I) is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449;
  - b.  Copies of twenty-nine IDS Citations.

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01 FC:131 740.00 CH  
02 FC:103 306.00 CH  
03 FC:102 504.00 CH

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CLAIMS (Number Filed)	(1) FOR	(2)		(3) NUMBER EXTRA		(4) FEE		(5) CALCULATIONS
37	TOTAL CLAIMS (37 CFR 1.16(c))	-20	=	17	x	\$18	=	\$306.00
9	INDEPENDENT CLAIMS (37 CFR 1.16(b))	-3	=	6	x	\$84	=	\$504.00
<input type="checkbox"/>	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.18(d))				+	\$280.00	=	
						BASIC FEE (37 CFR 1.16(a))	=	\$740.00
						Total of above Calculations	=	\$1,550.00
						Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).	=	
							TOTAL	= \$1550.00

6. Small entity status:

- a.  A small entity statement is enclosed, if (b) and (c) do not apply.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7. FEES: The Commissioner is hereby authorized to credit overpayments or charge the following fees to:

**Deposit Account No. 19-2386:**

- a.  Fees required under 37 CFR §1.16. (U.S. Application Filing Fees)
- b.  Fees required under 37 CFR §1.17. (Conditional Extension of Time Fees)
- c.  Fees required under 37 CFR §1.18. (Patent Issue Fees)

8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.

9.  Other: Please find enclosed a copy of a Petition For Extension of Time that keeps the prior application pending until October 28, 2001.

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**10. NEW CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label

New correspondence address below

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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ZIP CODE \_\_\_\_\_

COUNTRY \_\_\_\_\_

TELEPHONE \_\_\_\_\_

FAX \_\_\_\_\_

**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Skjerven Morrill MacPherson LLP

25 Metro Drive, Suite 700

San Jose, CA 95110

Tel. (408) 453-9200 Fax. (408) 453-7979

Date: October 26, 2001

Name David C. Hsia Reg. No. 46,235

Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter C. Chen

Assignee: C-Tel, Inc.

Title: Communications Interface And Conflict Avoidance Using A Software  
Simulation Of A UART

Serial No.: 09/030,710

Filing Date: February 25, 1998

Examiner: Dinh, D.

Group Art Unit: 2153

Docket No.: M-3206-1C US

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DEC 14 2001

San Jose, California  
October 26, 2001

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Washington, D. C. 20231

Technology Center 2100

**PRELIMINARY AMENDMENT**

Dear Sir:

Prior to examination on the merits, please enter the following amendments and consider the following remarks.

In the Specification

Please replace the paragraph starting at page 1, line 23, and ending at page 1, line 29, with the following replacement paragraph:

This invention relates to a computer system including a device having a non-standard I/O interface coupled to a local bus and a software emulation of a universal asynchronous receiver transmitter (UART), and further relates to processes and circuits for avoiding conflicts when assigning a COM port to a non-standard device.

D  
  
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